

**ORIGINAL**

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

**RECEIVED**

JUL 29 2009

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Central Railroad Company, Irvington Township :  
Highway Department, and the State of Illinois, :  
Department of Transportation. :

Stipulated Agreement regarding improving public :  
safety at the Holly Road/ TR 79 highway-rail grade :  
crossing of the Illinois Central Railroad Company's :  
track near Irvington, Irvington Township, Washington :  
County, Illinois, designated as crossing AAR/DOT :  
#295 004S, railroad milepost 260.20-M. :

T08-0026

**SUPPLEMENTAL PETITION**

Washington County, on behalf of Irvington Township Highway Department ("Township"), hereby petitions the Commission for an Order allocating additional funds from the Grade Crossing Protection Fund (GCPF) and granting additional time to complete the work required. In support of this petition, the Township states as follows:

1. By Order dated February 27, 2008, the Commission affirmed Stipulated Agreement 1187 (Agreement). The original Order required safety improvements at the Holly Road/TR 79 highway-rail grade crossing of the Illinois Central Railroad Company's ("Company") track near Irvington, Washington County, designated as AAR/DOT #295 004S, railroad milepost 260.20-M.
2. The Agreement divided the costs of the improvements between the GCPF, the Company, the Township and the Illinois Department of Transportation ("IDOT") as follows:

<b>Improvement</b>	<b>Est. Cost</b>	<b>GCPF</b>	<b>Township</b>	<b>Company</b>	<b>IDOT</b>
Install Automatic Flashing Light Signals and Gates	\$145,463	95% \$138,910	\$0	5% \$7,273	\$0
Install Temp. STOP Signs, if ordered	None	\$0	\$0	100%	\$0
Modify Existing Highway Approach Grades	\$38,100	\$38,100	\$0	\$0	\$0
<b>Totals</b>	<b>\$183,563</b>	<b>\$176,290</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**DOCKETED**

JUL 30 2009

26 JD-MS

3. In the Cost Division Table of the Agreement, it was noted that any cost for roadway approach grade improvements in excess of \$38,100 would be the responsibility of the Township.
4. Section 6 of the Agreement established that the Township is not financially able to pay an equitable portion of the cost for the proposed improvement.
5. The original estimate, attached to the Agreement as Exhibit C inadvertently failed to account for a certain amount of construction engineering costs associated with the approach improvements, estimated at \$3,500 that has become an additional burden and responsibility of the Township. See attached Exhibit A.
6. On October 14, 2008, the Township let the proposed approach improvements for bid. The Township approved contracts in the amount of \$45,498.20 for the improvements. The contracts exceeded the designated amount of assistance from the GCPF by \$7,398.20. See attached Exhibit B.
7. Due to the late date of the contract approval and inclement to date, the contractor was unable to complete the approach improvements before the required February 27, 2009, deadline. Therefore the Township also requests an extension of time to September 30, 2009, to complete the work required.

WHEREFORE, Petitioner, Washington County, on behalf of Irvington Township Road District requests that the Commission:

1. enter a Supplemental Order approving additional assistance from the Grade Crossing Protection Fund in the amount of \$10,898.20, to reimburse the Township for costs associated with construction engineering (\$3,500) and roadway construction costs (\$7,398.20) that are in excess of the amount approved by the original Order;
2. grant the Township and extension of time to and including September 30, 2009, in order to complete the roadway approach grade improvements required by the Order of February 27, 2008.

Dated this 24th day of July, 2009.

Respectfully submitted,



Mitch Burdick, PE  
Washington County Engineer

# WASHINGTON COUNTY HIGHWAY DEPARTMENT

1243 W. Adams Street, Nashville, Illinois 62263 • (618) 327-3322 • (618) 327-3842 Fax  
Mitch Burdick, PE, County Engineer

EXHIBIT A

January 5, 2008

**FILE COPY**

Charlie Howe  
Irvington Township Highway Commissioner  
27751 Walnut Hill Road  
Centralia, IL 62801

**Re: Holly Road Crossing  
AAR/DOT #295 004S**

Dear Charlie:

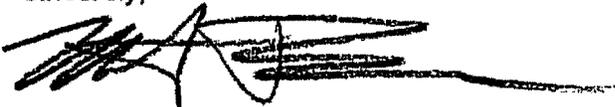
As you are aware, construction engineering to complete the above project was not included in the cost estimate included with the agreement for the above mentioned project. At your request, here is an estimate of the anticipated costs to complete the necessary construction inspection field and office work.

Item	Estimated Cost
Pre-Construction Meeting	\$200.00
Field Inspection during Construction	\$1,800.00
Completion of Necessary IDOT notifications, forms, etc.	\$1,000.00
Final Inspection and Project Closeout	\$250.00
Contingency	\$250.00
<b>Total Construction Engineering Costs</b>	<b>\$3,500.00</b>

It is my understanding that you would like to pursue the availability of funds to cover the construction engineering costs associated with modifications to the existing roadway approach grades. I will look into this possibility for you and let you know what options you have in this area.

If you have further questions, please feel free to call. Thank you.

Sincerely,



Mitch Burdick, P.E.  
County Engineer



# Illinois Department of Transportation

Division of Highways / District 8  
1102 Eastport Plaza Drive / Collinsville, Illinois / 62234-6198

RECEIVED

JAN 8 2009

Washington Co. Highway

December 30, 2008

EXHIBIT B

## GRADE CROSSING PROTECTION FUNDS

Washington County  
Irvington Road District  
Section 07-07132-00-RR  
Holly Road (TR 79)

Ms. Amy Maurer, P.E.  
Washington County Engineer  
1243 West Adams Street  
Nashville, IL 62263

Dear Ms. Maurer:

Enclosed is your copy of the contract with Depew & Owens Builders, Inc. in the amount of \$45,498.20 for the subject project which was approved by this Department today.

If you have any questions or require any assistance, please contact Ms. Lora Rensing of this office at (618) 346-3339.

Sincerely,

Mary C. Lamie, P.E.  
Deputy Director of Highways,  
Region Five Engineer

A handwritten signature in black ink, appearing to read "R. Mauch".

Richard C. Mauch, P.E.  
Acting District Engineer of  
Local Roads and Streets

GAH:mc:123008  
Attachment

cc: Depew & Owen Builders, Inc.  
Charles Howe – Irvington Road District Commissioner  
Joe Von De Burr – Rail Safety Specialist  
Materials  
Auditor

**RETURN WITH BID**

PROPOSAL SUBMITTED BY

Depew & Owen Builders, Inc.

Contractor's Name

511 S. Oak

1252

Street

P.O. Box

Centralia

IL

62801

City

State

Zip Code

STATE OF ILLINOIS

COUNTY OF Washington

Irvington Township

(Insert name of City, Village, Town or Road District)

~~ESTIMATE OF COST, SPECIFICATIONS, PLANS,  
MATERIAL PROPOSAL, CONTRACT PROPOSAL,  
CONTRACT AND CONTRACT BOND.~~

(Strike out that which is not applicable)

FOR

THE IMPROVEMENT OF

STREET NAME OR ROUTE NO. Holly Road (TR 79)

SECTION NO. 07-07132-00-RR

TYPE OF FUNDS Grade Crossing Protection

TO BE CONSTRUCTED UNDER  
THE PROVISIONS OF

**THE ILLINOIS HIGHWAY CODE**

BIDDERS NEED NOT RETURN THE ENTIRE PROPOSAL  
(Note Instruction 5 of the Notice to Bidders Form)

Submitted  
Approved/Passed

12/09/08

*Charles J. Koup*

Highway Commissioner/Mayor/President of Board of Trustees

APPROVED  
DEPARTMENT OF TRANSPORTATION

Date

DEC 30 2008

*Mary Collins*  
Regional Engineer

**For County and Road District Projects Only**

Submitted/Approved

10/22/08

*Amy Williams*  
County Engineer/Superintendent of Highways



1. THIS AGREEMENT, made and concluded the 22nd day of October, 2008 Month and Year

between the Township of Irvington acting by and through its Township Board known as the party of the first part, and Depew & Owen Builders, Inc. his/their executors, administrators, successors or assigns, known as the party of the second part.

2. Witnesseth: That for and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part, and according to the terms expressed in the Bond referring to these presents, the party of the second part agrees with said party of the first part at his/their own proper cost and expense to do all the work, furnish all materials and all labor necessary to complete the work in accordance with the plans and specifications hereinafter described, and in full compliance with all of the terms of this agreement and the requirements of the Engineer under it.

3. And it is also understood and agreed that the Notice to Contractors, Special Provisions, Proposal and Contract Bond hereto attached, and the Plans for Section 07-07132-00-RR in Irvington Township, approved by the Department of Transportation of the State of Illinois September 16, 2008 Date, are essential documents of this contract and are a part hereof.

4. IN WITNESS WHEREOF, The said parties have executed these presents on the date above mentioned.

Attest:

[Signature of Clerk]

Clerk

(Seal)

The 9th of DECEMBER 2008

By David R. Meyer Party of the First Part

WASHINGTON COUNTY COUNTY BOARD CHAIRMAN (If a Corporation)

Corporate Name Depew & Owen Builders, Inc.

By [Signature of Vice President] Vice President Party of the Second Part

(If a Co-Partnership)

[Signature of Charles J. Hsevel]

IRVINGTON TOWNSHIP HIGHWAY COMMISSIONER

Attest:

[Signature of Secretary]

Secretary

Partners doing Business under the firm name of

Party of the Second Part

(If an individual)

Party of the Second Part



IN TESTIMONY WHEREOF, the said PRINCIPAL and the said BURETY have caused this instrument to be signed by their respective officers this 22nd day of October A.D. 2008

**PRINCIPAL**

Depew & Owen Builders, Inc.  
(Company Name)  
By: *Ronald W. Vickers*  
(Signature & Title)  
Attest: *A. B. [Signature]*  
(Signature & Title)

(If PRINCIPAL is a joint venture of two or more contractors, the company names and authorized signature of each contractor must be affixed.)

STATE OF ILLINOIS,  
COUNTY OF Madison

I, Taffra S. Holman, a Notary Public in and for said county, do hereby certify that

(Insert names of individuals signing on behalf of PRINCIPAL)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.  
Given under my hand and notarial seal this 22nd day of October A.D. 2008

My commission expires 11/16/2008  
**"OFFICIAL SEAL"**  
Taffra S. Holman  
Notary Public, State of Illinois  
My Commission Expires 11/16/2008  
*Taffra S. Holman* Notary Public (SEAL)

United Fire & Casualty Company  
(Name of Surety)  
By: *Susan M. Stefanski*  
(Signature of Attorney-in-Fact)  
Susan M. Stefanski, Attorney-in-Fact (SEAL)

STATE OF ~~ILLINOIS~~ MISSOURI  
COUNTY OF St. Louis City

I, Barbara J. Lemm, a Notary Public in and for said county, do hereby certify that  
Susan M. Stefanski

(Insert names of individuals signing on behalf of SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.  
Given under my hand and notarial seal this 22nd day of October A.D. 2008

My commission expires Feb. 23, 2011  
BARBARA J. LEMM  
Notary Public, Notary Seal  
STATE OF MISSOURI  
ST. LOUIS CITY  
My Commission Expires Feb. 23, 2011  
Commission #87-124374  
*Barbara J. Lemm* Notary Public (SEAL)

Approved this 9th day of DECEMBER A.D. 2008

Attest:  
*[Signature]* Clerk  
WASHINGTON COUNTY  
(Awarding Authority)  
*[Signature]*  
(Chairman, Mayor or President)

*Charles J. Howel*  
IRVINGTON TOWNSHIP HIGHWAY COMMISSIONER



RETURN WITH BID

Route	<u>TWP. ROAD #79</u>
County	<u>WASHINGTON</u>
Local Agency	<u>IRVINGTON TWP.</u>
Section	<u>07-07132-00-RR</u>

1. Proposal of \_\_\_\_\_  
 \_\_\_\_\_  
 for the improvement of the above section by the construction of The roadway approaches of the railroad crossing on  
Holly Road (Township Road #79) in Irvington Township.

\_\_\_\_\_ a total distance of 496.55 feet, of which a  
 distance of 488.1 feet ( 0.092 miles) are to be improved.

2. The plans for the proposed work are those prepared by ROUND TABLE DESIGN, INC.  
 and approved by the Department of Transportation on \_\_\_\_\_
3. The specifications referred to herein are those prepared by the Department of Transportation and designated as "Standard Specifications for Road and Bridge Construction" and the "Supplemental Specifications and Recurring Special Provisions" thereto, adopted and in effect on the date of invitation for bids.
4. The undersigned agrees to accept, as part of the contract, the applicable Special Provisions indicated on the "Check Sheet for Recurring Special Provisions" contained in this proposal.
5. The undersigned agrees to complete the work within 22 working days or by \_\_\_\_\_ unless additional time is granted in accordance with the specifications.
6. A proposal guaranty in the proper amount, as specified in BLRS Special Provision for Bidding Requirements and Conditions for contract Proposals, will be required. Bid Bonds  will  will not be allowed as proposal guaranties. Accompanying this proposal is either a bid bond if allowed, on Department form BLR 12230 or a proposal guaranty check, complying with the specifications, made payable to: IRVINGTON TOWNSHIP Treasurer of \_\_\_\_\_  
 the amount of the check is \_\_\_\_\_ ( \_\_\_\_\_ )
7. In the event that one proposal guaranty check is intended to cover two or more proposals, the amount must be equal to the sum of the proposal guaranties, which would be required for each individual proposal. If the proposal guaranty check is placed in another proposal, it will be found in the proposal for: Section Number \_\_\_\_\_
8. If this proposal is accepted and the undersigned fails to execute a contract and contract bond as required, it is hereby agreed that the Bid Bond or check shall be forfeited to the Awarding Authority.
9. Each pay item should have a unit price and a total price. If no total price is shown or if there is a discrepancy between the product of the unit price multiplied by the quantity, the unit price shall govern. If a unit price is omitted, the total price will be divided by the quantity in order to establish a unit price.
10. A bid will be declared unacceptable if neither a unit price nor a total price is shown.
11. The undersigned firm certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the firm made an admission of guilt of such conduct which is a matter of record, nor has an official, agent, or employee of the firm committed bribery or attempted bribery on behalf of the firm and pursuant to the direction or authorization of a responsible official of the firm. The undersigned firm further certifies that it is not barred from contracting with any unit of State or local government as a result of a violation of State laws prohibiting bid-rigging or bid-rotating.
12. The undersigned submits herewith the schedule of prices on BLR 12222 covering the work to be performed under this contract.



**Illinois Department  
of Transportation**

**Notice to Bidders**

**RETURN WITH BID**

Route	<u>TWP. ROAD #79</u>
County	<u>WASHINGTON</u>
Local Agency	<u>IRVINGTON TWP.</u>
Section	<u>07-07132-00-RR</u>

**Time and Place of Opening of Bids**

Sealed proposals for the improvement described below will be received at the office of Washington County Highway  
Department, 1243 W. Adams, Nashville, IL 62263

until 3:30 o'clock P M., October 14, 2008 Proposals will be opened and read publicly  
(address)  
at 6:00 o'clock P M., October 14, 2008 at the office of Irvington Village Hall  
(date)  
204 Huron, Irvington, IL 62848  
(date)  
(address)

**Description of Work**

Name HOLLY ROAD RAILROAD CROSSING Length 496.55 feet ( 0.09 miles)  
Location 300 FEET ON EACH SIDE OF RAILROAD CROSSING ALONG HOLLY ROAD (TWP. RD. # 79)  
Proposed Improvement RECONSTRUCT ROAD PROFILE OF APPROACH TO RAILROAD CROSSING

**Bidders Instructions**

1. Plans and proposal forms will be available in the office of ROUND TABLE DESIGN, INC.  
1020 MAIN STREET, MT. VERNON, IL 62864
2. If prequalification is required , the 2 low bidders must file within 24 hours after the letting an "Affidavit of Availability" (Form BC 57), in triplicate, showing all uncompleted contracts awarded to them and all low bids pending award for Federal, State, County, Municipal and private work. One copy shall be filed with the Awarding Authority and 2 copies with the IDOT District Office.
3. All proposals must be accompanied by a proposal guaranty as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals contained in the "Supplemental Specifications and Recurring Special Provisions".
4. The Awarding Authority reserves the right to waive technicalities and to reject any or all proposals as provided in BLRS Special Provision for Bidding Requirements and Conditions for Contract Proposals contained in the "Supplemental Specifications and Recurring Special Provisions".
5. Bidders need not return the entire contract proposal when bids are submitted unless otherwise required. Portions of the proposal that must be returned include the following:
 

a. BLR 12210 - Contract Cover	f. BLR 12230 - Proposal Bid Bond (if applicable)
b. BLR 12220 - Notice to Bidders	g. BLR 12325 - Apprenticeship or Training Program
c. BLR 12221 - Contract Proposal	Certification (do not use for federally
d. BLR 12222 - Contract Schedule of Prices	funded projects)
e. BLR 12223 - Signatures	
6. The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished according to the contract. The scheduled quantities of work to be done and materials to be furnished may be increased, decreased or omitted as hereinafter provided.

7. Submission of a bid shall be conclusive assurance and warranty the bidder has examined the plans and understands all requirements for the performance of work. The bidder will be responsible for all errors in the proposal resulting from failure or neglect to conduct an in depth examination. The Awarding Authority will, in no case be responsible for any costs, expenses, losses or changes in anticipated profits resulting from such failure or neglect of the bidder.
8. The bidder shall take no advantage of any error or omission in the proposal and advertised contract.
9. If a special envelope is supplied by the Awarding Authority, each proposal should be submitted in that envelope furnished by the Awarding Agency and the blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Awarding Authority is used, it shall be marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Awarding Authority at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time specified will be returned to the bidder unopened.
10. Permission will be given to a bidder to withdraw a proposal if the bidder makes the request in writing or in person before the time for opening proposals.

By Order of

IRVINGTON TOWNSHIP ROAD COMMISSIONER

(Awarding Authority)

MR. CHARLES J. HOWE

County Engineer/County Superintendent of Highways/Municipal Clerk

**Note:** All proposal documents, including Proposal Guaranty Checks or Proposal Bid Bonds, should be stapled together to prevent loss when bids are processed.



**Illinois Department  
of Transportation**

**Apprenticeship or Training  
Program Certification**

Return with Bid

Route	<u>TWP. ROAD #79</u>
County	<u>WASHINGTON</u>
Local Agency	<u>IRVINGTON TWP</u>
Section	<u>07-07132-00-RR</u>

**All contractors are required to complete the following certification:**

- For this contract proposal or for all groups in this deliver and install proposal.
- For the following deliver and install groups in this material proposal:

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Illinois Department of Transportation policy, adopted in accordance with the provisions of the Illinois Highway Code, requires this contract to be awarded to the lowest responsive and responsible bidder. The award decision is subject to approval by the Department. In addition to all other responsibility factors, this contract or deliver and install proposal requires all bidders and all bidders' subcontractors to disclose participation in apprenticeship or training programs that are (1) approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training, and (2) applicable to the work of the above indicated proposals or groups. Therefore, all bidders are required to complete the following certification:

- I. Except as provided in paragraph IV below, the undersigned bidder certifies that it is a participant, either as an individual or as part of a group program, in an approved apprenticeship or training program applicable to each type of work or craft that the bidder will perform with its own employees.
- II. The undersigned bidder further certifies for work to be performed by subcontract that each of its subcontractors submitted for approval either (A) is, at the time of such bid, participating in an approved, applicable apprenticeship or training program; or (B) will, prior to commencement of performance of work pursuant to this contract, establish participation in an approved apprenticeship or training program applicable to the work of the subcontract.
- III. The undersigned bidder, by inclusion in the list in the space below, certifies the official name of each program sponsor holding the Certificate of Registration for all of the types of work or crafts in which the bidder is a participant and that will be performed with the bidder's employees. Types of work or craft that will be subcontracted shall be included and listed as subcontract work. The list shall also indicate any type of work or craft job category for which there is no applicable apprenticeship or training program available.

<u>Operating Engineers</u>	<u>Granite City IL</u>	<u>Operators</u>
<u>Iron Workers Local 392</u>	<u>E St. Louis IL</u>	<u>Iron workers</u>
<u>Southern IL Carpenters Training Center</u>	<u>Belleville IL</u>	<u>Carpenters &amp; Millwrights</u>
<u>IL Laborers' &amp; Contractors' Training</u>	<u>Mt. Sterling IL</u>	<u>Constuction Craft laborer</u>
<u>Plasters &amp; Cement Masons 143</u>	<u>Champaign IL</u>	<u>Plasters &amp; Cement Masons</u>

IV. Except for any work identified above, any bidder or subcontractor that shall perform all or part of the work of the contract or deliver and install proposal solely by individual owners, partners or members and not by employees to whom the payment of prevailing rates of wages would be required, check the following box, and identify the owner/operator workforce and positions of ownership.

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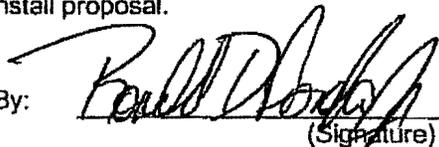
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The requirements of this certification and disclosure are a material part of the contract, and the contractor shall require this certification provision to be included in all approved subcontracts. The bidder is responsible for making a complete report and shall make certain that each type of work or craft job category that will be utilized on the project is accounted for and listed. The Department at any time before or after award may require the production of a copy of each applicable Certificate of Registration issued by the United States Department of Labor evidencing such participation by the contractor and any or all of its subcontractors. In order to fulfill the participation requirement, it shall not be necessary that any applicable program sponsor be currently taking or that it will take applications for apprenticeship, training or employment during the performance of the work of this contract or deliver and install proposal.

Bidder: Depew & Owen Builders, Inc.

Address: PO Box 1252 Centralia, IL 62801

By:   
(Signature)

Title: Vice President







RETURN WITH BID

Route TWP. ROAD #79
County WASHINGTON
Local Agency IRVINGTON TWP.
Section 07-07132-00-RR

(If an individual)

Signature of Bidder

Business Address

(If a partnership)

Firm Name

Signed By

Business Address

Insert Names and Addresses of All Partners

Large bracket indicating space for partner names and addresses

(If a corporation)

Corporate Name Depew & Owen Builders, Inc.

Signed By [Signature] Vice President

Business Address PO Box 1252 Centralia, IL 62801

Insert Names of Officers

Large bracket indicating space for officer names: President Alan B. Owen, Secretary Gloria J. Mulvin, Treasurer Alan B. Owen

Attest: [Signature] Secretary



Route Twp. Road #79
County 07-07132-00-RR
Local Agency Irvington Twp.
Section 07-07132-00-RR

RETURN WITH BID

PAPER BID BOND

WE Depew & Owen Builders, Inc., P.O. Box 1252, Centralia, IL 62801 as PRINCIPAL
and United Fire & Casualty Company, P.O. Box 73909, Cedar Rapids, IA 52407-3909 (319) 399-5700 as SURETY.

are held jointly, severally and firmly bound unto the above Local Agency (hereafter referred to as "LA") in the penal sum of 5% of the total bid price, or for the amount specified in the proposal documents in effect on the date of invitation for bids whichever is the lesser sum. We bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly pay to the LA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said PRINCIPAL is submitting a written proposal to the LA acting through its awarding authority for the construction of the work designated as the above section.

THEREFORE If the proposal is accepted and a contract awarded to the PRINCIPAL by the LA for the above designated section and the PRINCIPAL shall within fifteen (15) days after award enter into a formal contract, furnish surety guaranteeing the faithful performance of the work, and furnish evidence of the required insurance coverage, all as provided in the "Standard Specifications for Road and Bridge Construction" and applicable Supplemental Specifications, then this obligation shall become void; otherwise it shall remain in full force and effect.

IN THE EVENT the LA determines the PRINCIPAL has failed to enter into a formal contract in compliance with any requirements set forth in the preceding paragraph, then the LA acting through its awarding authority shall immediately be entitled to recover the full penal sum set out above, together with all court costs, all attorney fees, and any other expense of recovery.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this 14th day of October, 2008

Principal

Depew & Owen Builders, Inc. (Company Name)
By: (Signature and Title)

Depew & Owen Builders, Inc. (Company Name)
By: Ronald D. Donoho, Jr., Vice President (Signature and Title)

(If PRINCIPLE is a joint venture of two or more contractors, the company names, and authorized signatures of each contractor must be affixed.)

Surety

United Fire & Casualty Company (Name of Surety)

By: Barbara J. Lemm (Signature of Attorney-in-Fact)
Barbara J. Lemm

STATE OF Illinois
COUNTY OF Madison
I, Taffra S. Holman

a Notary Public in and for said county,

do hereby certify that Ronald D. Donoho, Jr. and Barbara J. Lemm
(Insert names of individuals signing on behalf of PRINCIPAL & SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL and SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instruments as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 14th day of October, 2008

My commission expires

OFFICIAL SEAL
Taffra S. Holman
Notary Public, State of Illinois
My Commission Expires 11/16/2008

(Signature)
(Taffra S. Holman)
(Notary Public)

Electronic bid bond is allowed (box must be checked by LA if electronic bid bond is allowed)
The Principal may submit an electronic bid bond, in lieu of completing the above section of the Proposal Bid Bond Form. By providing an electronic bid bond ID code and signing below, the Principal is ensuring the identified electronic bid bond has been executed and the Principal and Surety are firmly bound unto the LA under the conditions of the bid bond as shown above. (If PRINCIPAL is a joint venture of two or more contractors, an electronic bid bond ID code, company/Bidder name title and date must be affixed for each contractor in the venture.)

Electronic Bid Bond ID Code

(Company/Bidder Name)
(Signature and Title)
Date

UNITED FIRE & CASUALTY COMPANY  
HOME OFFICE - CEDAR RAPIDS, IOWA  
CERTIFIED COPY OF POWER OF ATTORNEY

(Original on file at Home Office of Company - See Certification)

KNOW ALL MEN BY THESE PRESENTS, That the UNITED FIRE & CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Iowa, and having its principal office in Cedar Rapids, State of Iowa, does make, constitute and appoint DENNIS D FLATNESS, OR DENNIS W LUTZ, OR BARBARA M JOHNSON, OR TAFFRA S HOLMAN, OR SUSAN M STEFANSKI, OR BARBARA J LEMM, ALL INDIVIDUALLY OF SAINT LOUIS MO

its true and lawful Attorney(s)-In-Fact with power and authority hereby conferred to sign, seal and execute in its behalf all lawful bonds, undertakings and other obligatory instruments of similar nature as follows: Any and All Bonds and to bind UNITED FIRE & CASUALTY COMPANY thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of UNITED FIRE & CASUALTY COMPANY and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

The Authority hereby granted is continuous and shall remain in full force and effect until revoked by UNITED FIRE & CASUALTY COMPANY.

This power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by Board of Directors of the Company on April 18, 1973.

"Article V - Surety Bonds and Undertakings"

Section 2, Appointment of Attorney-in-Fact. "The President or any Vice President, or any other officer of the Company may, from time to time, appoint by written certificates attorneys-in-fact to act in behalf of the Company in the execution of policies of insurance, bonds, undertakings and other obligatory instruments of like nature. The signature of any officer authorized hereby and the Corporate seal, may be affixed by facsimile to any power of attorney or special power of attorney or certification of either authorized hereby; such signature and seal, when so used, being adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed. Such attorneys-in fact, subject to the limitations set forth in their respective certificates of authority shall have full power to bind the Company by their signature and execution of any such instruments and to attach the seal of the Company thereto. The President or any Vice President, the Board of Directors or any other officer of the Company may at any time revoke all power and authority previously given to any attorney-in-fact.

IN WITNESS WHEREOF, the UNITED FIRE & CASUALTY COMPANY has caused these presents to be signed by its vice president and its corporate seal to be hereto affixed this 2nd day of April, 2008



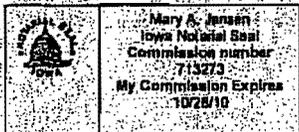
UNITED FIRE & CASUALTY COMPANY

By *Dennis J. Richman*  
Vice President

State of Iowa, County of Linn, ss:

On 2nd day of April, 2008, before me personally came Dennis J. Richman

to me known, who being by me duly sworn, did depose and say; that he resides in Cedar Rapids, State of Iowa; that he is a Vice President of the UNITED FIRE & CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



*Mary A. Jensen*  
Notary Public

I, the undersigned officer of the UNITED FIRE & CASUALTY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the by-laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.



In testimony whereof I have hereunto subscribed my name and affixed the corporate seal of the said Company this 14th day of October 20 08

*David A. Gray*  
Secretary



**Illinois Department of Transportation**

Bureau of Construction  
2300 South Dirksen Parkway/Room 322  
Springfield, Illinois 62784

**Affidavit of Availability**  
For the Letting of 10/14/2008  
(Letting date)

Instructions: Complete this form by either typing or using black ink. "Authorization to Bid" will not be issued unless both sides of this form are completed in detail. Use additional forms as needed to list all work.

**Part I. Work Under Contract**

List below all work you have under contract as either a prime contractor or a subcontractor. It is required to include all pending low bids not yet awarded or rejected. In a joint venture, list only that portion of the work which is the responsibility of your company. The uncompleted dollar value is to be based upon the most recent engineer's or owners estimate, and must include work subcontracted to others. If no work is contracted, show NONE.

	1	2	3	4	Awards Pending	
County and Section Number	05-11128-00-BR	04-14108-00-BR	06-11032-00-BR	MARION		
Contract With	CLAY CO	IDOT	MARION CO	IDOT		
Estimated Completion Date	11-30-08	9-30-08	11-15-08	3-31-09		
Total Contract Price	270,705.00	121,258.00	127,778.00	155,174.00		Accumulated Totals
Uncompleted Dollar Value if Firm is the Prime Contractor	270,705.00	81,243.00	127,778.00			479,726.00
Uncompleted Dollar Value if Firm is the Subcontractor				155,174.00		155,174.00
<b>Total Value of All Work</b>						<b>634,900.00</b>

**Part II. Awards Pending and Uncompleted Work to be done with your own forces.**

List below the uncompleted dollar value of work for each contract and awards pending to be completed with your own forces. All work subcontracted to others will be listed on the reverse of this form. In a joint venture, list only that portion of the work to be done by your company. If no work is contracted, show NONE.

						Accumulated Totals
Earthwork						0.00
Portland Cement Concrete Paving						0.00
HMA Plant Mix						0.00
HMA Paving						0.00
Clean & Seal Cracks/Joints						0.00
Aggregate Bases & Surfaces						0.00
Highway, R.R. and Waterway Structures	230,782.00	63,968.00	118,520.00	155,174.00		568,444.00
Drainage						0.00
Electrical						0.00
Cover and Seal Coats						0.00
Concrete Construction						0.00
Landscaping						0.00
Fencing						0.00
Guardrail						0.00
Painting						0.00
Signing						0.00
Cold Milling, Planning & Rotomilling						0.00
Demolition						0.00
Pavement Markings (Paint)						0.00
Other Construction (List)						0.00
						0.00
						0.00
<b>Totals</b>	<b>230,782.00</b>	<b>63,968.00</b>	<b>118,520.00</b>	<b>155,174.00</b>	<b>0.00</b>	<b>568,444.00</b>

Disclosure of this information is REQUIRED to accomplish the statutory purpose as outlined in the "Illinois Procurement Code". Failure to comply will result in non-issuance of an "Authorization To Bid." This form has been approved by the State Forms Management Center.

**Part III - Work Subcontracted to Others**

For each contract described in Part I, list all the work you have subcontracted to others.

	1	2	3	4	Awards Pending
Subcontractor	BLANKESHIP	BIG CREEK	BLANKESHIP		
Type of Work	EARTH WORK	EARTH WORK	EARTH WORK		
Subcontract Price	39,923.00	15,656.00	9,258.00		
Amount Uncompleted	39,923.00	7,900.00	9,258.00		
Subcontractor		JAD CONSTR			
Type of Work		G-RAIL			
Subcontract Price		9,475.00			
Amount Uncompleted		9,475.00			
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
<b>Total Uncompleted</b>	<b>39,923.00</b>	<b>17,275.00</b>	<b>9,258.00</b>	<b>0.00</b>	<b>0.00</b>

I, being duly sworn, do hereby declare this affidavit is a true and correct statement relating to ALL uncompleted contracts of the undersigned for Federal, State, County, City and private work, including ALL subcontract work, ALL pending low bids not yet awarded or rejected and ALL estimated completion dates

Subscribed and sworn to before me

this 14<sup>th</sup> day of October, 2008.

Gloria Mulvin  
Notary Public

My commission expires: 11-10-11

(Notary Seal)



Type or Print Name Ronald D Donoho Jr Vice President  
Officer or Director Title

Signed Ronald D Donoho Jr Vice President

Company DEWEY & OWEN BUILDERS INC

Address 511 S. OAK STREET CENTRALIA, IL 62801



**Illinois Department of Transportation**

Bureau of Construction  
2300 South Dirksen Parkway/Room 322  
Springfield, Illinois 62784

**Affidavit of Availability**  
For the Letting of 10/14/2008  
(Letting date)

Instructions: Complete this form by either typing or using black ink. "Authorization to Bid" will not be issued unless both sides of this form are completed in detail. Use additional forms as needed to list all work.

**Part I. Work Under Contract**

List below all work you have under contract as either a prime contractor or a subcontractor. It is required to include all pending low bids not yet awarded or rejected. In a joint venture, list only that portion of the work which is the responsibility of your company. The uncompleted dollar value is to be based upon the most recent engineer's or owners estimate, and must include work subcontracted to others. If no work is contracted, show NONE.

	1	2	3	4	Awards Pending	
County and Section Number	07-07133-00-BR	07-11123-00-BR	07-00992-00-RF	08-19125-00-BR		
Contract With	WASHINGTON	JEFFERSON	CENTRALIA CITY	IDOT		
Estimated Completion Date	11-30-08	12-15-08	10-30-08	5-31-08		
Total Contract Price	172,198.00	439,378.00	125,214.00	218,038.00		Accumulated Totals
Uncompleted Dollar Value if Firm is the Prime Contractor	172,198.00	439,378.00		218,038.00		1,309,340.00
Uncompleted Dollar Value if Firm is the Subcontractor			78,651.00			233,825.00
<b>Total Value of All Work</b>						<b>1,543,165.00</b>

**Part II. Awards Pending and Uncompleted Work to be done with your own forces.**

List below the uncompleted dollar value of work for each contract and awards pending to be completed with your own forces. All work subcontracted to others will be listed on the reverse of this form. In a joint venture, list only that portion of the work to be done by your company. If no work is contracted, show NONE.

						Accumulated Totals
Earthwork						0.00
Portland Cement Concrete Paving						0.00
HMA Plant Mix						0.00
HMA Paving						0.00
Clean & Seal Cracks/Joints						0.00
Aggregate Bases & Surfaces						0.00
Highway, R.R. and Waterway Structures	142,719.00	316,316.00		190,768.50		1,218,245.50
Drainage						0.00
Electrical						0.00
Cover and Seal Coats						0.00
Concrete Construction			78,651.00			78,651.00
Landscaping						0.00
Fencing						0.00
Guardrail						0.00
Painting						0.00
Signing						0.00
Cold Milling, Planning & Rotomilling						0.00
Demolition						0.00
Pavement Markings (Paint)						0.00
Other Construction (List)						0.00
						0.00
<b>Totals</b>	<b>142,719.00</b>	<b>316,316.00</b>	<b>78,651.00</b>	<b>190,768.50</b>	<b>0.00</b>	<b>1,296,896.50</b>

Disclosure of this information is REQUIRED to accomplish the statutory purpose as outlined in the "Illinois Procurement Code". Failure to comply will result in non-issuance of an "Authorization To Bid." This form has been approved by the State Forms Management Center.

Part III. Work Subcontracted to Others

For each contract described in Part I, list all the work you have subcontracted to others.

	1	2	3	4	Awards Pending
Subcontractor	BLANKENSHIP	BLANKENSHIP		BLANKENSHIP	
Type of Work	EARTH WORK	EARTH WORK		EARTH WORK	
Subcontract Price	16,885.00	88,542.00		11,394.00	
Amount Uncompleted	16,885.00	88,542.00		11,394.00	
Subcontractor	JAD CONSTR	JAD CONSTUC		JAD CONSTRUC	
Type of Work	G-RAIL	G-RAIL		G-RAIL	
Subcontract Price	12,594.00	34,520.00		15,877.50	
Amount Uncompleted	12,594.00	34,520.00		15,877.50	
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
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Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Subcontractor					
Type of Work					
Subcontract Price					
Amount Uncompleted					
Total Uncompleted	29,479.00	123,062.00	0.00	27,271.50	0.00

I, being duly sworn, do hereby declare this affidavit is a true and correct statement relating to ALL uncompleted contracts of the undersigned for Federal, State, County, City and private work, including ALL subcontract work, ALL pending low bids not yet awarded or rejected and ALL estimated completion dates

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Type or Print Name \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

(Notary Seal)

Office of Director Title  
Signed *Ronald M. ...* *Vic ...*

Company \_\_\_\_\_

Address \_\_\_\_\_



**Illinois Department of Transportation**

Bureau of Construction  
2300 South Dirksen Parkway/Room 322  
Springfield, Illinois 62764

**Affidavit of Availability  
For the Letting of 10/14/2008**

(Letting date)

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List below all work you have under contract as either a prime contractor or a subcontractor. It is required to include all pending low bids not yet awarded or rejected. In a joint venture, list only that portion of the work which is the responsibility of your company. The uncompleted dollar value is to be based upon the most recent engineer's or owners estimate, and must include work subcontracted to others. If no work is contracted, show NONE.

	1	2	3	4	Awards Pending	
County and Section Number	06-18118-00-BR					
Contract With	FAYETTE CO					
Estimated Completion Date	5-30-09					
Total Contract Price	148,128.00					Accumulated Totals
Uncompleted Dollar Value if Firm is the Prime Contractor	148,128.00					1,457,468.00
Uncompleted Dollar Value if Firm is the Subcontractor						233,826.00
<b>Total Value of All Work</b>						<b>1,691,293.00</b>

**Part II. Awards Pending and Uncompleted Work to be done with your own forces.**

List below the uncompleted dollar value of work for each contract and awards pending to be completed with your own forces. All work subcontracted to others will be listed on the reverse of this form. In a joint venture, list only that portion of the work to be done by your company. If no work is contracted, show NONE.

						Accumulated Totals
Earthwork						0.00
Portland Cement Concrete Paving						0.00
HMA Plant Mix						0.00
HMA Paving						0.00
Clean & Seal Cracks/Joints						0.00
Aggregate Bases & Surfaces						0.00
Highway, R.R. and Waterway Structures	126,573.00					1,344,818.50
Drainage						0.00
Electrical						0.00
Cover and Seal Coats						0.00
Concrete Construction						78,651.00
Landscaping						0.00
Fencing						0.00
Guardrail						0.00
Painting						0.00
Signing						0.00
Cold Milling, Planning & Rotomilling						0.00
Demolition						0.00
Pavement Markings (Paint)						0.00
Other Construction (List)						0.00
						0.00
						0.00
<b>Totals</b>	<b>126,573.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,423,469.50</b>

Disclosure of this information is REQUIRED to accomplish the statutory purpose as outlined in the "Illinois Procurement Code". Failure to comply will result in non-issuance of an "Authorization To Bid." This form has been approved by the State Forms Management Center.

**STATE OF ILLINOIS**

**ILLINOIS COMMERCE COMMISSION**

Illinois Central Railroad Company, Irvington Township :  
Highway Department, and the State of Illinois, :  
Department of Transportation. :

Stipulated Agreement regarding improving public :  
safety at the Holly Road/ TR 79 highway-rail grade :  
crossing of the Illinois Central Railroad Company's :  
track near Irvington, Irvington Township, Washington :  
County, Illinois, designated as crossing AAR/DOT :  
#295 004S, railroad milepost 260.20-M. :

T08-0026

**NOTICE OF FILING**

Mr. James M Kvedaras  
Canadian National / Illinois Central  
17641 South Ashland Avenue  
Homewood, IL 60430

Mr. John M. Henriksen  
Manager of Public Works  
Canadian National / Illinois Central  
17641 Ashland Avenue  
Homewood, IL 60430

Mr. Thomas J. Healey  
Counsel-Regulatory  
Illinois Central Railroad Company  
17641 South Ashland Avenue  
Homewood, IL 60430

Ms. Christine Reed  
Director of Highways, IDOT  
ATTN: JEFF HARPRING, ROOM 205  
2300 South Dirksen Parkway  
Springfield, IL 62764

Ms. Ellen J. Schanzle-Haskins  
Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

Mr. Lance T. Jones  
Deputy Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

Mr. Charie Howe  
Highway Commissioner  
Irvington Township Road District  
27751 Walnut Hill Road  
Centralia, IL 62801

PLEASE TAKE NOTICE that we have on this 27<sup>th</sup> day of July, 2009, sent for filing with the Illinois Commerce Commission, the attached Petition in the above captioned matter, a copy of which is hereby served upon you.

Washington County Highway Department

By



Mitch Burdick, PE  
County Engineer  
1243 Adams Street  
Nashville, IL 62263  
618-327-3322  
618-327-3842 fax

**CERTIFICATE OF SERVICE**

I, Mitch Burdick, County Engineer of Washington County, certify that I served the foregoing Petition upon the respondents made party to this proceeding by enclosing copies of the foregoing in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States Mail at 1818 Kaskaskia Street, Nashville, IL, 62263 on the 27~~th~~ day of July, 2009.



Mitch Burdick, PE

Mr. James M Kvedaras  
Canadian National / Illinois Central  
17641 South Ashland Avenue  
Homewood, IL 60430

Mr. John M. Henriksen  
Manager of Public Works  
Canadian National / Illinois Central  
17641 Ashland Avenue  
Homewood, IL 60430

Mr. Thomas J. Healey  
Counsel-Regulatory  
Illinois Central Railroad Company  
17641 South Ashland Avenue  
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2300 South Dirksen Parkway  
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Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

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Deputy Chief Counsel – IDOT  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764

Mr. Charie Howe  
Highway Commissioner  
Irvington Township Road District  
27751 Walnut Hill Road  
Centralia, IL 62801